

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of the present application in view of the above changes to the claims and the following remarks, which are responsive to the Office Action mailed March 4, 2008.

I. Status of Claims

In the Office Action, Claims 39-91 were noted as pending in the application, and Claims 59-69, 78-80, 83-85, 88, 90, and 91 were allowed. Dependent Claims 48-56, 71-74, 76, 77, and 82 were objected to for being dependent upon a rejected base claim. Independent Claim 39 and dependent Claims 40 and 86 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,156,579 to Wakuta et al ("*Wakuta*"). Independent Claims 42 and 81 and dependent Claims 41, 43-46, 87, and 89 were rejected under 35 U.S.C. §103(a) as being obvious in light of *Wakuta* in view of U.S. Patent No. 4,930,590 to Love ("*Love*"); dependent Claim 47 was rejected under §103(a) as being obvious in light of *Wakuta* in view of *Love* and further in view of U.S. Patent No. 5,906,249 to Monkkonen ("*Monkkonen*"); dependent Claim 57 was rejected under §103(a) as being obvious in light of *Wakuta* in view of U.S. Patent No. 5,087,229 to Hewko ("*Hewko*"); dependent Claim 58 was rejected under §103(a) as being obvious in light of *Wakuta* in view of *Love* and further in view of *Hewko*; dependent Claim 70 was rejected under §103(a) as being obvious in light of *Wakuta* in view of U.S. Patent No. 5,221,381 to Hurrell, II ("*Hurrell II*"); and dependent Claim 75 was rejected under §103(a) as being obvious in light of *Wakuta* in view of *Love* and further in view of *Hurrell II*.

As a result of this response, independent Claims 39 and 81 and dependent Claims 43 and 46 have been amended, and Claims 39-91 remain pending.

II. Claim Rejections

A. Rejection of Independent Claim 39 under §102(b) in light of *Wakuta*

Independent Claim 39 was rejected under §102(b) as anticipated by *Wakuta*. In response,

independent Claim 39 has been amended to recite that the lubricant for the gearbox is injectable under pressure into the gallery, and the lubricant is still under pressure when it is delivered (1) from the gallery to the hollow rotor through the passage in the casing and (2) from the rotor to the primary shaft. In addition, Claim 39 has been amended to recite that the space between the rotor and stator is free of the lubricant.

Applicant respectfully asserts that *Wakuta* and the cited prior art references do not disclose the features of independent Claim 39 as amended. In particular, *Wakuta* discloses delivering oil in parallel to cool the motor parts of the hub drive and to lubricate the gear parts thereof. Specifically, passage 2 delivers oil to the coil 22 and stator 21, and this oil is collected in sump 18. Passage 3 delivers oil to the hollow center of the sun gear 33, and from there to the pinion shaft 34 and needle bearing 45 by centrifugal spraying (any pressure will be lost by virtue of the open end of the pinion shaft 34 facing the output carrier 51). See *Wakuta*, column 4, lines 12-29. In addition, according to Figure 1 of *Wakuta*, oil is delivered to the space between the rotor and stator through discharge port 2a, where it will impede rotation of the rotor 23 causing energy losses.

In contrast, Claim 39 as amended recites that the lubricant for the gearbox is injectable into the gallery under pressure, and the lubricant is still under pressure when it is delivered (1) from the gallery to the hollow rotor through the passage in the casing and (2) from the rotor to the primary shaft. Furthermore, Claim 39 as amended recites that the space between the rotor and stator is free of lubricant. Accordingly, because *Wakuta* does not disclose each and every element of Claim 39 as amended, Applicant respectfully requests that the rejection of Claim 39 under §102(b) be withdrawn.

Dependent Claims 40-41, 57, 70-74, and 86 depend from independent Claim 39 and include all of the recitations of Claim 39 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 39, it is respectfully submitted that dependent Claims 40-41, 57, 70-74, and 86 are further patentable over the references cited as such dependent claims now depend from an allowable base claim.

B. Rejection of Independent Claims 42 and 81 under 35 U.S.C. §103(a) in light of *Wakuta* in view of *Love*

Independent Claims 42 and 81 were rejected under §103(a) as obvious in light of *Wakuta* in view of *Love*. In the Office Action on page 5, the Examiner acknowledges that *Wakuta* does not disclose that the motor is removable inboard of the housing and the gearbox is dismantlable primarily outboard of the housing without removing the wheel. However, the Examiner asserts that this feature is disclosed in *Love* and cites Figure 1 and column 1, lines 50-61 in support of this assertion.

Applicant respectfully submits that this characterization of *Love* is improper, and *Wakuta* and *Love* fail to disclose or suggest the features of independent Claims 42 and 81. In particular, the gearbox of *Love* cannot be accessed without first removing the second part 80 of the two-piece wheel. See *Love*, Figure 1 and column 2, lines 48-55. Thus, *Love* does not disclose the feature recited in independent Claims 42 and 81 of the motor being removable inboard of the housing and the gearbox being dismantlable primarily outboard of the housing *without removing the wheel*. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of independent Claims 42 and 81 under §103(a).

Dependent Claims 43-56, 58, 75-77, and 87 depend from independent Claim 42 and include all of the recitations of Claim 42 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 42, it is respectfully submitted that dependent Claims 43-56, 58, 75-77, and 87 are further patentable over the references cited as such dependent claims now depend from an allowable base claim.

In addition, dependent Claims 82 and 89 depend from independent Claim 81 and include all of the recitations of Claim 81 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 81, it is respectfully submitted that dependent Claims 82 and 89 are further patentable over the references cited as such dependent claims now depend from an allowable base claim.

III. Conclusion

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Amdt. dated September 4, 2008
Reply to Office Action of March 4, 2008

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Applicant appreciates the Examiner's careful consideration of this application and would welcome a telephone conference with the Examiner to expedite the processing of the patent application. Applicant's attorney, Meredith Struby, may be reached directly at (404) 881-4626.

Respectfully submitted,

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